

**REMARKS**

Applicants' undersigned attorney thanks the Examiner for the Examiner's comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-25 and 38-49 are pending, with Claims 48-49 withdrawn from consideration.

**Amendment to the Claims**

Claims 1-25 and 38-47 have been examined, with no claims being allowed.

Applicants have amended Claim 1 to clarify that the second cooling and collapsing steps refer to the second blown bubble. Support for this amendment is provided on page 10, lines 2-11, for example.

Applicants have amended Claim 15 to clarify that the recited method is limited to a single blown bubble. Support for this amendment is provided on page 12, lines 10-12, for example.

Applicants have amended Claim 38 to clarify that the physical properties recited in the claim are the properties of the resulting film. Support for this amendment is provided in originally filed Claim 26, for example.

Applicants have further amended Claims 1, 15, and 38 to include the limitations of Claims 10, 21, and 39, respectively. Therefore, Applicants respectfully request cancellation of Claims 10, 21, and 39.

Applicants respectfully request cancellation of withdrawn Claims 48 and 49.

No new matter has been added by this Amendment. No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims has been reduced.

### **Information Disclosure Statements**

The Examiner has acknowledged receipt of the Second Information Disclosure Statement filed 19 December 2002, and has provided Applicants with a copy of the corresponding Form PTO-1449 with his initials next to each reference indicating consideration of the cited references.

Applicants submitted a First Information Disclosure Statement on 09 October 2001 and a Third Information Disclosure Statement on 24 April 2002. Applicants respectfully request the Examiner's acknowledgment of consideration of each of the references cited in each of these Information Disclosure Statements.

### **Claim Rejections - 35 U.S.C. §112**

The rejection of Claims 1-25 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention is respectfully traversed.

Applicants have amended independent Claim 1 to clarify that the second cooling and collapsing steps are in reference to the second blown bubble. For at least this reason, Applicants respectfully submit that currently amended Claim 1, and Claims 2-14 depending therefrom, are not indefinite. Independent Claim 15 includes only one cooling step and one collapsing step. For at least this reason, Applicants respectfully submit that Claim 15, and Claims 16-25 depending therefrom, are not indefinite. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

The rejection of Claims 38-47 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention is respectfully traversed.

Applicants have amended independent Claim 38 to clarify that the physical properties recited in the claim are the properties of the resulting film. For at least this reason, Applicants respectfully submit that currently amended Claim 38, and Claims 39-47 depending therefrom, are not indefinite. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

**Claim Rejections – 35 U.S.C. §103****A. Claims 1-14**

The rejection of Claims 1-14 under 35 U.S.C. §103(a) as obvious over Pahlke (U.S. Patent No. 3,456,044) in view of Cheung et al. (U.S. Patent No. 6,376,095) and Applicants' admitted prior art (Page 9, line 19 – Page 10, line 7) is respectfully traversed.

Pahlke discloses a double-bubble method of producing a biaxially oriented thermoplastic film. The method is intended primarily for use with polyethylene having a resin density not greater than 0.925 g/cc, but may also be applicable to other plastic films such as polyolefins, polypropylene, high density polyethylene, polyethylene having a density less than 0.94 g/cc, polyethylene having a density less than 0.925, and others including copolymers, interpolymers and the like. In any case, the method of Pahlke fails to disclose or suggest the extrusion of a thermoplastic elastomer comprising between about 55% and 90% elastomeric resin and between about 10% and 45% polyethylene.

The Examiner suggests that a person having ordinary skill in the art would have found it obvious to have made a film from elastic materials, as taught by Cheung et al., in the process of Pahlke, in order to produce a desired film for various saleable products. However, Cheung et al. also fail to disclose or suggest the extrusion of a thermoplastic elastomer comprising between about 55% and 90% elastomeric resin and between about 10% and 45% polyethylene. Instead, the films in Cheung et al. comprise from about 50 to 100% of one or more substantially random interpolymers of one or more alpha-olefins and one or more monovinyl aromatic monomers and/or one or more aliphatic or cycloaliphatic vinyl or vinylidene monomers, and from 0 to 50% of at least one polymer other than the substantially random interpolymer. It is this "other" polymer that may include polyethylene or styrene block copolymers. Thus, in Cheung et al., the potential amount of styrene block copolymers is 0 to 50%, which is less than Applicants' recited range of elastomeric resin.

To establish a prima facie case of obviousness, the prior art references when combined must disclose or suggest all the claim limitations. Neither Pahlke nor

Cheung et al., alone or in combination, disclose or suggest a multiple-bubble method of producing a latent elastic, cross-direction-oriented film comprising the step of extruding a thermoplastic elastomer that comprises between about 55% and 90% elastomeric resin and between about 10% and 45% polyethylene. Additionally, neither Pahlke nor Cheung et al. disclose or suggest forming a third bubble, as recited in Applicants' Claim 7. Figure 3 in Pahlke shows only two bubbles.

For at least the reasons given above, Applicants respectfully submit that Pahlke in view of Cheung et al. and Applicants' admitted prior art fails to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**B. Claims 15-25**

The rejection of Claims 15-25 under 35 U.S.C. §103(a) as obvious over Pahlke in view of Cheung et al. and Applicants' admitted prior art (Page 9, line 19 – Page 10, line 7) is respectfully traversed.

Pahlke discloses a double-bubble method of producing a biaxially oriented thermoplastic film. Pahlke fails to disclose or suggest a single-bubble method of producing a latent elastic, cross-direction-oriented film. Additionally, the method of Pahlke fails to disclose or suggest the extrusion of a thermoplastic elastomer comprising between about 55% and 90% elastomeric resin and between about 10% and 45% polyethylene.

As explained above, in order to establish a prima facie case of obviousness, the prior art references when combined must disclose or suggest all the claim limitations. Neither Pahlke nor Cheung et al., alone or in combination, disclose or suggest a single-bubble method of producing a latent elastic, cross-direction-oriented film. Additionally, neither Pahlke nor Cheung et al., alone or in combination, disclose or suggest such a method comprising the step of extruding a thermoplastic elastomer that comprises between about 55% and 90% elastomeric resin and between about 10% and 45% polyethylene.

For at least the reasons given above, Applicants respectfully submit that Pahlke in view of Cheung et al. and Applicants' admitted prior art fails to

disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**C. Claims 38-47**

The rejection of Claims 38-47 under 35 U.S.C. §103(a) as obvious over Pahlke in view of Cheung et al. and Applicants' admitted prior art (Page 9, line 19 – Page 10, line 7) is respectfully traversed.

As explained above, neither Pahlke nor Cheung et al., alone or in combination, disclose or suggest a method of producing a latent elastic, cross-direction-oriented film, comprising the step of extruding a thermoplastic elastomer that comprises between about 55% and 90% elastomeric resin and between about 10% and 45% polyethylene, as recited in Applicants' amended Claim 38.

Additionally, neither Pahlke nor Cheung et al., alone or in combination, disclose or suggest a method of producing a latent elastic, cross-direction-oriented film that has a latent set of at least 50%, a tension set of less than about 20%, shrinkage of at least 50%, a draw ratio of at least 10, and a tensile force of at least 30. Because neither Pahlke nor Cheung et al. disclose or suggest a method of making a film having the composition recited in Applicants' Claim 38, the claimed effects and physical properties would *not* be intrinsically achieved by carrying out the process taught by the applied prior art.

For at least the reasons given above, Applicants respectfully submit that Pahlke in view of Cheung et al. and Applicants' admitted prior art fails to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

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Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melanie I. Rauch".

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